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9  
10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010 - 119

13 JOHN JOSEPH GRIFFIN  
aka JOHN JOSEPH SERNA  
14 6575 Paseo Frontera Apt. F  
Carlsbad, CA 92009

**A C C U S A T I O N**

15 Registered Nurse License No. 475739

16 Respondent.  
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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation  
21 solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing  
22 ("Board"), Department of Consumer Affairs.

23 2. On or about March 31, 1992, the Board issued Registered Nurse License  
24 Number 475739 to John Joseph Griffin aka John Joseph Serna ("Respondent"). Respondent's  
25 registered nurse license was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on January 31, 2010, unless renewed.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Sexual Abuse, Misconduct, or Relations**  
3 **With Patient on or about April 5, 2006)**

4 8. Respondent is subject to disciplinary action pursuant to Code section  
5 2761, subdivision (a), and 726, in that he committed acts of unprofessional conduct involving  
6 sexual abuse, misconduct, or relations with a patient under his care.

7 9. The circumstances of this misconduct are that on or about April 5, 2006,  
8 Respondent kissed Sa.L., a female patient under his care, three times while she was in her bed in  
9 the Intensive Care Unit at Sharp Coronado Hospital. Respondent then followed the patient into  
10 the restroom, put his hand under her gown and sexually molested her. Respondent then told her  
11 to come back and see him. The patient reported the incident to a friend and it was ultimately  
12 reported to the hospital which placed Respondent on administrative leave. Despite the open  
13 suspended investigation of the incident, Respondent was transferred to Sharp Memorial Hospital.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct Sexual Abuse, Misconduct, or Relations With**  
16 **Patient on or about January 11, 2007)**

17 10. Respondent is subject to disciplinary action pursuant to Code section  
18 2761, subdivision (a), and 726, in that he committed acts of unprofessional conduct involving  
19 sexual abuse, misconduct, or relations with a patient.

20 11. The circumstances of this misconduct are that in or about January of 2007,  
21 Respondent was patient Su.L.'s primary nurse while she was in the Surgical Intensive Care Unit  
22 of Sharp Memorial Hospital for a foot injury that required surgery. On or about January 11,  
23 2007, Respondent asked Su.L. if she was still in pain despite her pain medication. When she said  
24 she was, Respondent gave her dilaudid. Su.L. claimed that the medication made her very  
25 sedated. Respondent then closed the curtain around her bed and gave Su.L. a bed bath without  
26 gloves on his hands. During the bath, Respondent moved the sheet so that her whole body was  
27 exposed and sexually molested her. She was not sure how long the bath took, but eventually  
28 Respondent pulled the sheet back over her. Su.L. was too afraid to report the abuse.

1                   12.     On a second occasion, Respondent, who was off duty, came back to the  
2 hospital with bath supplies. He told the nurses who were in charge of Su.L. that he was her  
3 previous nurse and he was visiting her. Respondent also offered to give Su.L. some pain  
4 medication which he had brought from his home (a bottle of liquid and some pills) and told her  
5 she should take then so he could give her a bath. Su.L. refused the bath several times.  
6 Respondent nonetheless started washing Su.L.'s hair. Then, he pulled the sheet from her body,  
7 poured a bucket of water onto her, and washed her whole body with no gloves on while she lay  
8 cold on a wet sheet. He then sexually molested her again. During the bath, Respondent moved  
9 the call button away. Her foot was in tremendous pain during the entire process. He left her  
10 alone for awhile, wet and naked on the bed, and then changed her sheets and gown. Su.L.'s post  
11 surgery orders were to limit movement of the foot. Su.L.'s surgery subsequently failed. After  
12 this assault, Respondent called Su.L. several times.

13                   13.     Su.L. later reported the conduct to the hospital. After an investigation,  
14 Respondent was placed on administrative leave and subsequently terminated.

15                                   **MATTERS IN AGGRAVATION**

16                   14.     On or about May 14, 2003, Respondent reviewed the private medical  
17 records of a co-worker who was pregnant with his child and seeking treatment at the facility  
18 where they worked. As an ICU nurse, he would not have had access to the patient's medical  
19 records. Respondent was terminated for violating the woman's privacy rights and the hospital's  
20 policies when he looked at this patient's medical records for his personal use and without her  
21 consent.

22                   15.     While employed at Palomar Pomcrado Health, Respondent had two  
23 incidents of sexual harassment against co-workers documented in his personnel file, one in  
24 January of 2005 and one in May of 2005. Respondent admitted to the second allegation of  
25 inappropriately touching a co-worker (slapping her buttocks). On May 5, 2005, Respondent was  
26 terminated from the facility for sexual harassment of a co-worker based upon his admission of  
27 this conduct.

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alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 475739, issued to John Joseph Griffin;
2. Ordering John Joseph Griffin to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/28/09

*Louise R. Bailey*  
LOUISE R. BAILEY, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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